

House File 2075 - Introduced

HOUSE FILE 2075

BY STAED

A BILL FOR

1 An Act relating to the electronic delivery and return of
2 ballots for persons with certain physical disabilities.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 53.2, subsection 1, Code 2022, is amended
2 by adding the following new paragraph:

3 NEW PARAGRAPH. *e.* A registered voter with a physical
4 disability that prevents the registered voter from reading or
5 marking a printed ballot without assistance from another person
6 may request an absentee ballot electronically. The state
7 commissioner shall adopt rules to implement this paragraph.

8 Sec. 2. Section 53.2, subsection 2, Code 2022, is amended by
9 adding the following new paragraph:

10 NEW PARAGRAPH. *e.* Absentee ballot applications shall
11 include a space for a registered voter with a physical
12 disability that prevents the registered voter from reading
13 or marking a printed ballot without assistance from another
14 person to request that an absentee ballot be delivered to the
15 registered voter electronically. A voter requesting that an
16 absentee ballot be delivered electronically shall explain
17 why the voter cannot read or mark a physical absentee ballot
18 without assistance from another person. The state commissioner
19 shall adopt rules regarding the form of electronic absentee
20 ballots.

21 Sec. 3. Section 53.8, subsection 1, paragraph a, unnumbered
22 paragraph 1, Code 2022, is amended to read as follows:

23 Upon receipt of an application for an absentee ballot and
24 immediately after the absentee ballots are printed, but not
25 more than twenty days before the election, the commissioner
26 shall mail an absentee ballot to the applicant within
27 twenty-four hours, except as otherwise provided in subsection
28 3 or 5. The absentee ballot shall be sent to the registered
29 voter by one of the following methods:

30 Sec. 4. Section 53.8, subsection 3, paragraph c, Code 2022,
31 is amended to read as follows:

32 *c.* Nothing in this subsection nor in section 53.22
33 shall be construed to prohibit a registered voter who is a
34 hospital patient or resident of a health care facility, or who
35 anticipates entering a hospital or health care facility before

1 the date of a forthcoming election, from casting an absentee
2 ballot in the manner prescribed by [section 53.10](#) or [53.11](#), or
3 from completing an electronic absentee ballot in the manner
4 prescribed by subsection 5.

5 Sec. 5. Section 53.8, Code 2022, is amended by adding the
6 following new subsection:

7 NEW SUBSECTION. 5. *a.* (1) When an application for an
8 absentee ballot is received by the commissioner from a voter
9 who has indicated that the voter has a physical disability that
10 prevents the voter from reading or marking a printed ballot
11 without assistance from another person, the commissioner shall
12 determine whether the voter qualifies to receive an electronic
13 absentee ballot. If the commissioner determines that the
14 voter qualifies to receive an electronic absentee ballot, the
15 commissioner shall transmit an electronic absentee ballot to
16 the voter in a form that allows the voter to electronically
17 read and mark the ballot on a personal computer without the
18 assistance of another person. An electronic absentee ballot
19 shall not be transmitted prior to the mailing of physical
20 absentee ballots. In addition to an electronic absentee
21 ballot, the commissioner shall mail all physical materials
22 other than an absentee ballot as provided in subsections 1 and
23 2.

24 (2) If the commissioner determines that the voter does
25 not qualify to receive an electronic absentee ballot, the
26 commissioner shall inform the voter by the best means available
27 that the voter does not qualify to receive an electronic
28 absentee ballot, the reason for the rejection, and that the
29 voter shall be mailed a physical absentee ballot.

30 *b.* An electronic absentee ballot completed pursuant to
31 paragraph "a" may be printed by the voter and returned to the
32 commissioner as provided in section 53.17, using the same
33 method as required for physical absentee ballots in that
34 election, or may be returned electronically.

35 *c.* The state commissioner shall adopt rules for the

1 transmission, marking, and return of electronic absentee
2 ballots. The rules shall require a voter who returns an
3 absentee ballot electronically to include a copy of a form
4 of identification sufficient to satisfy the requirements of
5 section 49.78.

6 Sec. 6. Section 53.22, subsection 2, paragraph a,
7 subparagraph (1), Code 2022, is amended to read as follows:

8 (1) A registered voter who has applied for an absentee
9 ballot, in a manner other than that prescribed by section
10 53.10 or [53.11](#), or by section 53.8, subsection 5, and who
11 is a resident, tenant, or patient in a health care facility,
12 assisted living program, or hospital located in the county to
13 which the application has been submitted shall be delivered
14 the appropriate absentee ballot by two special precinct
15 election officers, one of whom shall be a member of each of the
16 political parties referred to in [section 49.13](#), who shall be
17 appointed by the commissioner from the election board panel
18 for the special precinct established by [section 53.20](#). The
19 special precinct election officers shall be sworn in the manner
20 provided by [section 49.75](#) for election board members, shall
21 receive compensation as provided in [section 49.20](#), and shall
22 perform their duties during the ten calendar days after the
23 ballots are printed if the commissioner so elects, during the
24 fourteen calendar days preceding the election, and on election
25 day if all ballots requested under [section 53.8, subsection 3](#),
26 have not previously been delivered and returned.

27 EXPLANATION

28 The inclusion of this explanation does not constitute agreement with
29 the explanation's substance by the members of the general assembly.

30 This bill relates to the electronic delivery of absentee
31 ballots to certain persons. The bill requires the state
32 commissioner of elections to include a space on absentee ballot
33 request forms for a voter to indicate that the voter wants to
34 receive an electronic absentee ballot because the voter has a
35 physical disability that prevents the voter from reading and

1 marking a physical ballot without the assistance of another
2 person. The bill also requires the state commissioner to
3 adopt rules to allow such a registered voter to submit an
4 absentee ballot request form electronically. If, upon receipt
5 of an absentee ballot request form, the county commissioner
6 of elections determines that the voter qualifies to receive
7 an electronic absentee ballot, the county commissioner shall
8 transmit an electronic absentee ballot to the voter at the
9 time that physical absentee ballots are mailed. If the county
10 commissioner determines that the voter does not qualify to
11 receive an electronic absentee ballot, the county commissioner
12 shall inform the voter of the rejection, the reason therefore,
13 and that the voter will receive a physical absentee ballot.

14 The bill requires an electronic absentee ballot to be
15 transmitted in a form that allows the voter to read and mark
16 the ballot using a personal computer. The bill then allows
17 the voter to print the absentee ballot and return it in the
18 same manner as prescribed for physical absentee ballots or
19 to return the ballot electronically. The bill requires the
20 state commissioner of elections to adopt rules regarding the
21 form, transmission, marking, and return of electronic absentee
22 ballots. The rules shall require a voter who returns an
23 absentee ballot electronically to submit a copy of a voter
24 identification document.